

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 13, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 06HD-154

Hawaii

**Amend Prior Board Action of January 12, 1973 (Agenda Item F-8) Request for Grant of Easement to County of Hawaii (COH) for Water Pipeline Purposes at Kalukalu, South Kona, Hawaii, Tax Map Key:3<sup>rd</sup>/8-1-02:Por. 38**

BACKGROUND:

At its meeting of January 12, 1973, under agenda item F-8, the Land Board approved the direct issuance of a perpetual, non-exclusive easement to the COH for water pipeline purposes at Kalukalu, South Kona, Hawaii, Tax Map Key:3<sup>rd</sup>/8-1-02:Por. 38 (Exhibit A).

The purpose of this water pipeline is to service the new gymnasium at the Konawaena High and Intermediate School, which is currently encumbered under Governor's Executive Order No. 1757 to Department of Education (DOE), (*formerly Department of Public Instruction*).

Whenever an easement is not for the sole benefit of the COH, in this case it benefits a State agency, the language in the legal easement document prepared by the Attorney General's office should reflect that. Staff feels that it is only appropriate that DOE should be the responsible agency for any relocation expenses or additional costs associated with the subject easement.

In addition, staff is requesting that the applicant be changed to the Water Board of the County of Hawaii (WBCOH), since they are a semi-autonomous department of the COH's Water Supply and are responsible for the management, control and operation of waterworks in the county as further stipulated under Charter Amendment No. 9, Section 8-2.

RECOMMENDATION: That the Board:

1. Amend its prior board action of January 12, 1973, agenda item F-8 by changing all reference to the applicant under such action and authorize issuance of the subject easement to WBCOH for DOE;

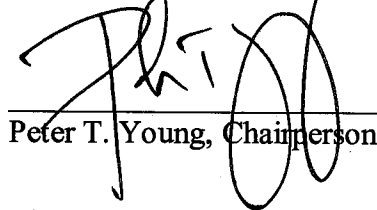
2. Deleting Recommendations A.3 and A.4 in its entirety and replacing with "The standard terms and conditions of the most current perpetual easement document form, as may be modified for a government agency and/or particular property;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Harry Yada  
District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF LAND MANAGEMENT

P. O. BOX 621

HONOLULU, HAWAII 96809

January 12, 1973

DIVISIONS:  
CONVEYANCES  
FISH AND GAME  
FORESTRY  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

Board of Land and  
Natural Resources  
Honolulu, Hawaii

Gentlemen:

HAWAII

Subject: Grant of Easement to County of Hawaii  
for Pipeline at Kalukalu, South Kona, Hawaii

The Department of Education has requested our office to grant the County of Hawaii, Department of Water Supply, a water line easement over and across a portion of the Konawaena High and Intermediate School grounds at Kalukalu, South Kona, Hawaii, encumbered under Executive Order No. 1757 to the Department of Education in order to serve the new gymnasium.

The subject area is shown on Department of Accounting and General Services map titled "Konawaena High and Intermediate School Gymnasium, Kealakekua - South Kona, Hawaii" dated April 15, 1972 and attached to the basic file.

RECOMMENDATION:

That the Board, pursuant to Chapter 171-95, Hawaii Revised Statutes and other applicable sections of Chapter 171, Hawaii Revised Statutes:

- A. Authorize the granting of a perpetual non-exclusive easement for water line purposes to the County of Hawaii covering the above-described area on a gratis basis, subject to the following terms and conditions:
  1. Concurrence of the Governor
  2. One (1) year abandonment clause in the event of non-use
  3. Standard indemnity and hold-harmless clause
  4. Standard relocation clause
  5. Other terms and conditions as may be prescribed by the Chairman.
- B. Authorize the granting of a right-of-entry to the County of Hawaii covering the above described area for construction purposes, subject to the following:

Approved by the Board  
at its meeting held on

1/12/73

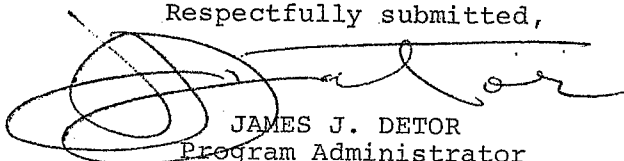
**EXHIBIT A**

**ITEM F-8**

January 12, 1973

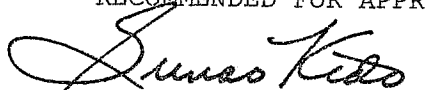
1. Concurrence of the Governor
2. Standard indemnity and hold-harmless clause
3. Other terms and conditions as may be prescribed by the Chairman.

Respectfully submitted,



JAMES J. DETOR  
Program Administrator

RECOMMENDED FOR APPROVAL:



SUNAO KIDO, Chairman



HALEKII-KALUKALU (KEALAKEKUA VILLAGE), SOUTH KONA, HAWAII

3-11-55 JN:WAC:P

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